



**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Laksano
Serial No: 09/864,524
Filing Date: 05/24/2001
Title: METHOD AND APPARATUS FOR A MULTIMEDIA SYSTEM

Examiner: Sargon N Nano
Art Group: 2157
Docket No: VIXS 003

Pre-Appeal Brief Request for Review

1. In the Final Office Action dated June 3rd, 2005, the Examiner rejected claims 1-73 under 35 USC § 102(e) as being anticipated by Billmaier (U.S. Patent No. 6,710,815). Applicant respectfully believes that there is a clear deficiency in the prima facie case in support of this rejection and requests review of the allowability of claims 1-73 pursuant to the Pre-Appeal Brief Pilot Program.

2. Claims 1-73 have been rejected under 35 USC § 102 (b) as being anticipated by Billmaier. The applicant respectfully disagrees with the present rejection because at least one claim element is not met by this reference.

a. The various embodiments of the present invention relate to multimedia systems and methods that include a multimedia server. Examiner, in the Response to Argument, read the head end of Billmaier on Applicant's multimedia server. Examiner stated that,

“The head end it is interpreted as a multimedia server, where the multimedia server in turn sends the multiple content sources to the STB where different signals are mixed (see col. 4 line 46 – col. 5 line 27). Claim does not specifically state that channel mixer and transceiver reside on the multimedia server and therefore STB meets the scope of the claimed limitation ‘channel mixer and transceiver module’.” [*Emphasis added*]

However, claims 1 and 13 of the present application specifically recite that the multimedia server includes the channel mixer and the transceiving module. Claim 1 is directed to a multimedia system that comprises a multimedia server and a client module. The claim specifically recites that the channel module and the transceiving module are included in the multimedia server. Claim 20 is directed to the multimedia server itself. Claim 20 specifically recites a multimedia server that comprises a channel mixer and a transceiving module. Claims 1, 13 and 20 do specifically recite that the channel mixer and transceiver reside on the multimedia server.

In the Advisory Action mailed on August 9th, 2005, the Examiner has responded to Applicant's argument (only with respect to claim 20), indicting that:

“Examiner likes to point out to the applicant to claim 20 where it clearly says that the channel mixer and the transceiving module are REMOTE from the multimedia server.” [*Emphasis original*]

Applicant respectfully disagrees. Claim 20 recites that the at least one client module is remote from the multimedia server.

For these reasons, Applicant believes claims 1, 13 and 20, along with claims 2-11, 14-19 and 21-37 that depend therefrom, to be patentably distinct from the prior art.

b. Further, claims 1, 13 and 20 recite that the multimedia server includes a tuning module that selects a set of channels from the plurality of channels based on a set of channel select commands. Billmaier's head end does not meet the limitations of the multimedia server of claims 1, 13 and 20 because the head end does include a tuning module. The channel select commands are transmitted from Billmaier's remote control device to the set-top box. The set-top box tunes the selected channel from the stream of channels received from the head-end (see col. 5 line 28 – Col. 5 line 55). This provides an independent reason why claims 1, 13 and 20, along with claims 2-11, 14-19 and 21-37 that depend therefrom, are patentably distinct from the prior art.

c. Similarly, the multimedia server of claim 12 provides, "a stream of channel data from channels associated with the plurality of multimedia sources based on a set of channel select commands". Billmaier's head end does not meet the limitations of the multimedia server of claim 12 because the head end does not provide a stream of channel data based on a set of channel select commands. Billmaier's head end does not receive any channel select commands. As previously discussed, the channel select commands are transmitted from Billmaier's remote control device to the set-top box for tuning the selected channel from the stream of channels received from the head-end (see col. 5 line 28 – Col. 5 line 55). For this reason, applicant believes that claim 12, along with claims 13-19 that depend therefrom, are patentably distinct from the prior art.

d. Further, Claims 38 and 56 recite that the communication path to the client module is part of the local area network. Billmaier does not teach such a local area network connection to the client module. Billmaier does not disclose or teach a local area network of any kind. For this reason, Applicant believes claims 38 and 56, along with 39-55 and 57-73 that dependent therefrom, to be patentably distinct from the prior art.

RESPECTFULLY SUBMITTED,

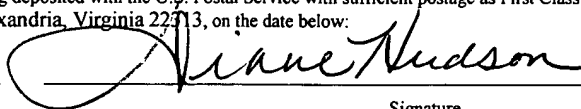
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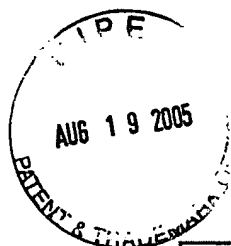
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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) VIXS 003 | |
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| On <u>8-17-05</u> Signature <u>Diane Hudson</u> | | First Named Inventor LAKSANO | |
| Typed or printed name <u>Diane Hudson</u> | | Art Unit 2157 | Examiner SARGON N. NANO |

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/06)

☒ attorney or agent of record.
Registration number 33,534

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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8/17/05
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

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